

EXHIBIT 3

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

STATE OF MISSOURI,
STATE OF ARKANSAS, et al.,

Plaintiffs,

v.

No. _____

JOSEPH R. BIDEN, Jr.,
in his official capacity as the President of
the United States of America, et al.

Defendants.

DECLARATION OF DAWNETTA CALHOUN

I, Dawnetta Calhoun, hereby declare and state as follows:

1. I am over the age of 21 and make this declaration based on my own personal knowledge.

2. I am currently employed as the Director of Human Resources for the Office of the Arkansas Attorney General. I have held that position since 2019. I have been employed by the Arkansas Attorney General's Office since 2017. In my current role, I oversee employment matters including recruitment, payroll, onboarding, and offboarding of employees.

3. The Arkansas Attorney General's Office is an Arkansas state constitutional office. *See Ark. Const. Art. 6, sec. 1.* Under Arkansas law, it is the duty of the Attorney General to "maintain and defend the interests of the state in matters before the United States Supreme Court and all other federal courts and shall be the legal representative of all state officers, boards, and commissions in all litigation where the interests of the state are involved." Ark Code Ann. 25-16-703. The current Attorney General of Arkansas is Tim Griffin. He has served in that role since January 10, 2023.

4. To assist the Attorney General in carrying out his duties, the Arkansas Attorney General's Office employs lawyers, paralegals, and others in various roles. Individuals employed directly by the Arkansas Attorney General's Office are employees of the State of Arkansas, and the compensation they receive is paid by the State of Arkansas.

5. To attract and retain employees, the Arkansas Attorney General's Office strives to offer the most competitive benefits packages possible. Those compensation packages include base salary, health insurance, vacation time, 401k participation, retirement benefits, and student loan benefits. Potential and current employees consider all of those items in evaluating employment options.

6. As of March 31, 2024, the Arkansas Attorney General's Office employs 159 employees.

7. As part of my duties as Director of Human Resources, I am also familiar with the Public Service Loan Forgiveness (PSLF) program. That program forgives the remaining balance on direct federal loans where, among other things, an individual works for a certain time for a qualified nonprofit or government employer.

8. The Arkansas Attorney General's Office is a qualified employer under the PSLF program. The Arkansas Attorney General's Office actively advertises its participation in the PSLF program on its website to attract potential applications for employment. *See* Exhibit A. The State of Arkansas also advertises the participation of state agencies in the PSLF program on its websites to attract potential employees. *See* Exhibit B.

9. In my role as Director of Human Resources, I am responsible for certifying that employees seeking to participate in the PSLF program are currently employed by the Arkansas Attorney General's Office. As part of that process, I am responsible for completing the employer-

certification section of the Public Service Loan Forgiveness & Temporary Expanded PSLF Certification and Application form prepared by the Department of Education. A true and accurate blank copy of that form is attached to this affidavit as Exhibit C.

10. Like many other legal offices, the Arkansas Attorney General's Office employs numerous individuals who incurred substantial student loans to finance their education. Those individuals include lawyers and other professional staff.

11. The Arkansas Attorney General's Office, like other public sector employers, uses its participation in the PSLF program to help attract and retain legal and other professional talent. That program is a huge benefit to the Arkansas Attorney General's Office and an important and valuable recruitment tool. Indeed, both current and potential employees consider the office's participation in the PSLF program—and the corresponding loan forgiveness and financial benefits associated with it—in determining overall compensation and making decisions about whether to join or remain with the office.

12. Currently, approximately 23 employees of the Arkansas Attorney General's Office participate in that program. In addition to those participants, other past and current employees have likewise participated in the PSLF program.

13. It is my understanding that the federal government has published a rule that seeks to forgive student debt that might otherwise be covered by the PSLF program. A reduction in student loan obligations otherwise eligible for relief under the PSLF program will make participation in that program less attractive to current and potential employees. Thus, if the published rule takes effect, the Arkansas Attorney General's Office will lose a valuable tool for recruiting potential employees and retaining existing employees because the PSLF program will no longer carry the same comparative benefit that it once did.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 5, 2024.

A handwritten signature in black ink, appearing to read "Dawnetta J. Calhoun", written over a horizontal line.

Exhibit A



[HOME](#) [MEET TIM](#) [EDUCATION PROGRAMS](#) [RESOURCES](#) [NEWS](#) [TRAININGS AND EVENTS](#)

SEARCH

OFFICE



OFFICE

[AG SCHEDULING REQUEST](#)

[CAREERS](#)

[INTERNSHIP PROGRAM](#)

[LAW CLERK PROGRAM](#)



CONSUMER PROTECTION

CAREERS

The Office of the Attorney General is an equal opportunity employer. Our office strives to offer the most competitive benefits packages possible. Those compensation packages include base salary, group health insurance, vacation time, sick time, 401k (ARDiamond), retirement (APERS) benefits, and student loan benefits (PSLF) to eligible employees.

State of Arkansas job applications will not be accepted in lieu of resumes.
Resumes received after the deadline will not be considered.

Currently accepting resumes for the following positions:

ASSISTANT SOLICITOR GENERAL – OFFICE OF SOLICITOR GENERAL
ASSISTANT ATTORNEY GENERAL – STATE AGENCY DIVISION



[CONTACT US](#)

[FILE A CONSUMER COMPLAINT](#)

[SIGN UP FOR ATTORNEY GENERAL ALERTS](#)

[OPINIONS](#)

Exhibit B

Managing Student Loans

Money Basics

Help Center

Contact Us



Arkansas
Student Loan
Authority



Call us today
855.288.2094



Tools



Forms

Managing Student Loans > Repaying Student Loans

Loan Forgiveness and Discharge Programs

The U.S. Department of Education currently offers two loan forgiveness programs for borrowers who either work in public service (Public Service Loan Forgiveness) or are teaching at a Title 1 school (Teacher Loan Forgiveness). Some physical or mental impairments can qualify you for a total and permanent disability discharge (TPD) on your federal student loans, and there are other types of discharge programs described below.

Public Service Loan Forgiveness (PSLF)

If you are employed by a government or not-for-profit organization, you may be able to receive loan forgiveness under the Public Service Loan Forgiveness Program.

The Public Service Loan Forgiveness (PSLF) Program forgives the remaining balance on your Direct Loans after you have made 120 qualifying monthly payments under a qualifying repayment plan while working full-time for a qualifying employer.

[Learn more to see whether you might qualify.](#)

Teacher Loan Forgiveness (TLF)

If you teach full-time for five complete and consecutive academic years in a low-income elementary school, secondary school, or educational service agency, you may be eligible for forgiveness of up to \$17,500 on your Direct Loan or FFEL program loans. See <https://studentaid.gov/teach-forgive> for more information and for a form you can fill out when you have completed your teaching service. You can also find more information on our [TLF page](#).

Total and Permanent Disability (TPD)

If you think you might qualify and want to apply for a TPD discharge, you must provide the information the Department of Education needs to make a determination by completing a TPD discharge application and gathering supporting documentation that shows you are totally and permanently disabled. For complete information about TPD discharge, including

the TPD discharge application, visit the Total and Permanent Disability (TPD) Discharge website at DisabilityDischarge.com. You can find more information on our [TPD page](#).

False Certification (Disqualifying Status)

You may qualify for this discharge if, at the time your school certified or originated your loan, you were unable to meet the legal requirements for employment in your state of residence in the occupation for which your program of study was intended. If you think you may be eligible for the False Certification (Disqualifying Status) Discharge you may download and print a copy of the appropriate discharge application from the [Forms](#) section on our website.

False Certification of Ability to Benefit

You may qualify for this discharge if the school you attended falsely certified your ability to benefit from the education offered by the school. A school is required to certify that students who lack a high school diploma or GED still have the ability to benefit from the training offered by the school. If you think you may be eligible for the False Certification of Ability to Benefit Discharge, you may download and print a copy of the appropriate discharge application from the [Forms](#) section on our website.

False Certification (Unauthorized Signature/Payment)

You may qualify for loan discharge if the school, without your authorization, signed your name on a loan application, promissory note, loan check, electronic funds transfer application, or master check. If you think you may be eligible for the False Certification (Unauthorized Signature/Payment) Discharge, you may download and print a copy of the appropriate discharge application from the [Forms](#) section on our website.

School Closure

You may qualify for loan discharge if your school closed while you were enrolled and you were not able to complete the program of study for which your student loan was intended. In order to qualify, you must have been attending the school within 120 days of the closure date or on an approved leave of absence when the school closed. If you think you may be eligible for the School Closure Discharge, you may download and print a copy of the appropriate discharge application from the [Forms](#) section on our website.

Spouses and Parents of September 11, 2001 Victims

You may qualify for loan discharge if you are the spouse or parent of an eligible public servant or eligible victim who died or became permanently and totally disabled due to injuries suffered in the terrorist attacks on September 11, 2001. If you think you may be eligible for Spouses and parents of September 11, 2001 Victims Discharge, you may download and print a copy of the appropriate discharge application from the [Forms](#) section on our website.

Unpaid Refund

You may qualify for loan discharge if your school failed to pay a tuition refund required under federal law if you withdrew during the refund period published by the school. If you think you may be eligible for this discharge program, you may download and print a copy of the appropriate discharge application from the [Forms](#) section on our website.

MORE Helpful Links

[Repayment Options for Federal Student Loans](#)

[Ways To Pay](#)

[Deferment and Forbearance Options](#)

[Make Your Payments On Time](#)

[Is consolidation for me?](#)

[Get Ahead On Payments](#)

[Loan Forgiveness and Discharge Programs](#)

[Public Service Loan Forgiveness \(PSLF\)](#)

[Total and Permanent Disability Discharge](#)

[Teacher Loan Forgiveness](#)

MORE Helpful Topics

[Managing Student Loans](#)

[Money Basics](#)

[Help Center](#)

[Getting Ready to Repay](#)

[Repaying Student Loans](#)

[Behind on payments?](#)

[Understanding Student Loans](#)

[About ASLA](#) | [Privacy Policy](#) | [Site Map](#)

Servicing Partner:

© 2024 Arkansas Student Loan Authority. All rights reserved.

3801 Woodland Hts, Ste 200 • Little Rock, AR 72212
800.443.6030 | Default Prevention Call Center: 855.288.2094

Exhibit C



PSLF

**PUBLIC SERVICE LOAN FORGIVENESS (PSLF) & TEMPORARY
EXPANDED PSLF (TEPSLF) CERTIFICATION & APPLICATION**

William D. Ford Federal Direct Loan (Direct Loan) Program

OMB No. 1845-0110
Form Approved
Exp. Date 11/30/2023

WARNING: Any person who knowingly makes a false statement or misrepresentation on this form or on any accompanying document is subject to penalties that may include fines, imprisonment, or both, under the U.S. Criminal Code and 20 U.S.C. 1097.

SECTION 1: BORROWER INFORMATION

Please enter the following information:

SSN: _____
Date of Birth: _____
Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Telephone – Primary: _____
Email: _____

For more information on PSLF, visit StudentAid.gov/publicservice. To apply online, visit StudentAid.gov/PSLF.

SECTION 2: BORROWER REQUEST, UNDERSTANDINGS, AND CERTIFICATION

I request (1) that the U.S. Department of Education (the Department) consider this form an application for loan forgiveness to determine whether I qualify for PSLF or TEPSLF, and discharge any qualifying loans that I have, and (2) if none of my loans qualify for PSLF or TEPSLF forgiveness when I submit this form, determine how many qualifying payments I have made toward PSLF and TEPSLF.

- ☐ I believe I qualify for forgiveness now and request a forbearance while my application is being processed. I understand this period of forbearance will not count toward forgiveness, if the Department determines I am not yet eligible for forgiveness.

I understand that:

1. To qualify for forgiveness, I must have made 120 qualifying payments on my Direct Loans while employed full-time by a qualifying employer. Neither the 120 qualifying payments nor the qualifying employment have to be consecutive.
2. To qualify for forgiveness, I must be employed full-time by a qualifying employer when I apply for forgiveness.
3. By submitting this form, my student loans held by the Department may be transferred to a different loan servicer.
4. If the Department determines that I appear to be eligible for forgiveness, the Department may contact my employer before granting forgiveness to ensure that I was employed by the employer at the time I applied for forgiveness.
5. If I am eligible for forgiveness, the amount forgiven will be the principal and interest that was due on my eligible Direct Loans when I made my final qualifying payment. Any amount that I pay on those loans after I have made my final qualifying payment will be treated as an overpayment. I must continue to make payments on any of my other loans.
6. If I am not yet eligible for forgiveness, I will be notified of the determination, why it was made, and how many qualifying payments I have made toward PSLF and TEPSLF. If I requested my loans be placed in forbearance while this determination was being made, they will be placed back into repayment.

I certify that all the information I have provided on this form and in any accompanying document is true, complete, and correct to the best of my knowledge and belief.

Borrower's Signature _____

Date _____
(mm/dd/yyyy)

Pages 1 and 2 of this form must be completed in their entirety.

Borrower Name _____ Borrower SSN _____

SECTION 3: BEFORE YOU BEGIN

- We highly recommend that you complete this form online by going to [StudentAid.gov/pslf](https://studentaid.gov/pslf). Doing so allows you to search for your employer using the PSLF Employer Database to prepopulate this form. You are also able to submit this form if your employer electronically certifies your employment.
- You should complete this form annually or any time you change employers or have a change in your employment status.
- Review the instructions in Section 6 before you complete the remainder of this form.

SECTION 4: EMPLOYER INFORMATION (TO BE COMPLETED BY THE BORROWER OR EMPLOYER)

1. Federal Employer Identification Number (FEIN/EIN): _____
 2. Employer Name: _____
 3. Employer Address: _____
Street: _____
City, State, Zip Code: _____
Employer Website (if any): _____
 4. Employment Period:
Employment or Certification Begin Date: _____
(mm/dd/yyyy)
Employment or Certification End Date: _____ OR ☐ Still Employed
(mm/dd/yyyy)
 5. Employment Status: ☐ Full-Time ☐ Part-Time
 6. Average hours per week: _____
- ☐ Check this box if your employer cannot be contacted because the organization has closed or is unable to certify your employment, and skip to Section 5B.

SECTION 5A: EMPLOYER CERTIFICATION (TO BE COMPLETED BY THE EMPLOYER)

Terms in **Bold** are defined in Section 7.

By providing an **acceptable signature** below, I certify that (1) the information in Section 4 is true, complete, and correct to the best of my knowledge and belief (see Section 6 for instructions), (2) I am an **authorized official** of the organization named in Section 4, and (3) the borrower named in Section 1 is or was a **direct employee** of the organization named in Section 4; or is or was employed under a contract or by a **contracted organization** in a position or providing services that, under applicable state law, cannot be filled or provided by a direct employee of the organization named in Section 4.

Note: If any of the information is crossed out or altered in Section 4 or 5A, the authorized official must initial those changes.

Official's Name: _____ Official's Phone: _____

Official's Title: _____ Official's Email: _____

Authorized Official's Signature _____ Date _____
(mm/dd/yyyy)

SECTION 5B: ALTERNATIVE DOCUMENTATION FOR EMPLOYMENT CERTIFICATION (only if Section 5A cannot be completed)

If you cannot obtain certification from your employer because the organization is closed or because the organization is unable to certify your employment and indicated that by checking the box above on this form, you can submit alternative documentation that may allow your employment to be certified. See Section 6 for more information. If this form is submitted without the necessary supporting documents, the PSLF servicer will contact you to request additional information before your employment can be certified.

SECTION 6: INSTRUCTIONS FOR COMPLETING THIS FORM

When completing this form, type or print using dark ink. Enter dates as month/day/year (mm/dd/yyyy). Use only numbers. Example: March 14, 2023 = 03/14/2023. If you need to correct any answer on this form, cross through the original answer, provide the correct answer, AND initial the change. This form can be completed and submitted online at StudentAid.gov/pslf. If this form is being completed manually or was generated to sign manually, it must be signed using an **acceptable signature**. Terms in **BOLD** are defined in Section 7.

Notes for completing Section 4:

Question 1: The **Federal Employer Identification Number (FEIN/EIN)** is a 9-digit number that can generally be found in box b of your IRS Form W-2 (W-2). However, if your employer uses a **Professional Employer Organization (PEO)** or you are a **contracted employee** in a position or providing services that, under applicable state law, cannot be filled or provided by a **direct employee** of your employer, you will need to obtain your employer's **FEIN/EIN** directly, because the **FEIN/EIN** on your W-2 may be that of a different organization. An **FEIN/EIN** that is found using an internet search or on an IRS Form other than a W-2 (for example an IRS Form 1099), may not be the **FEIN/EIN** that an employer uses for payroll purposes and will not be included in the **PSLF Employer Database**.

Question 2: If this form was generated by the **Help Tool**, the employer name selected from the **PSLF Employer Database** or name you manually entered will be pre-populated. If this form is being completed manually, enter the name of your employer as it appears on your W-2 (unless your employer uses a PEO, in which case provide your non-PEO employer's name).

Question 3: If this form is being completed manually, enter the address of your employer. If your form was generated by the **Help Tool**, that information will be prepopulated on this form.

Question 4: *Employment or Certification Begin Date* Enter the date that you began your employment with the employer whose **FEIN/EIN** appears in Question 1:

- If this is the first time you are submitting this employer for certification, or
- If you have continued to be employed in the same **employment status** (Question 5) began employment with this employer.

Enter the begin date that you would like to be evaluated with the employer whose **FEIN/EIN** appears in Question 1:

- If your **employment status** has changed since you last had your employment certified with this employer, or
- If you have had a break in employment since you last had your employment certified with this employer.

Notes for completing Section 4 (Continued):

Question 4 (Continued): *Employment or Certification End Date*

Enter the date that you:

- Ended employment with the employer whose **FEIN/EIN** appears in Question 1, or
- Ceased to be in the **employment status** reported in Question 5.

Check the box labeled "Still Employed", if you are still employed with the employer whose **FEIN/EIN** appears in Question 1 at the time you are completing this form.

Question 5: Check the **Full-Time** box if you worked an average of 30 hours or more per week for the period of time being certified in Question 4 or otherwise meet the definition of Full-Time provided in Section 7. If you worked an average of less than 30 hours per week, check the Part-Time box.

Question 6: Provide the average number of hours you worked per week during the period being certified. This should include vacation, leave time, or any leave taken under the Family Medical Leave Act of 1993, but should not include time spent performing volunteer services.

Notes for completing Section 5A:

The **Authorized Official** must review the information provided in Section 4 for accuracy. As part of this review, they should ensure that the **FEIN/EIN** provided in Question 1 belongs to their organization OR is the **FEIN/EIN** that is used for payroll purposes, that the employee named in Section 1 is or was a **direct employee** of their organization for the period being certified, OR is or was employed under a contract or by a **contracted organization** in a position or providing services for their organization that, under applicable state law, cannot be filled or provided by a **direct employee** of their organization. If the **Authorized Official** needs to correct any answer in Section 4, they must cross through the original answer, provide the correct answer, AND initial the changes.

SECTION 6: INSTRUCTIONS FOR COMPLETING THIS FORM (CONTINUED)

Notes for completing Section 5B:

If you are unable to have this form completed by an **Authorized Official** because the organization has closed or you are unable to contact your employer to obtain an **acceptable signature**, you may be able to certify your employment using alternative documentation. This process will add significant time to the review of this form. If the employment being certified is or was with the U.S. Military, you can submit this form with a Form DD-214 or an SCRA Status Report document that corresponds with the employment period in Question 4, instead of completing Section 5A. If the employment being certified is for any other employer, you must submit documentation that confirms both the **FEIN/EIN** of the employer AND your period of employment, instead of completing Section 5A. This would include an IRS Form W-2 for every calendar year included in your employment period (with or without corresponding **paystubs**), OR **paystubs** for every month that you were employed during the employment period. Any month that cannot be documented will not be certified as eligible employment.

SECTION 7: DEFINITIONS

Definitions Specific to this Form

The **PSLF Employer Database** is a searchable database maintained by the Department that borrowers search by entering their employer's FEIN/EIN when using the Help Tool to generate this form. Forms generated this way will be prepopulated with data from this database when the form is generated by using the Help Tool. Many employers are already included in the database and more are added every day. The database can be searched without logging in by going to StudentAid.gov/pslf/employer-search. The database will display if the employer is eligible, ineligible, or undetermined during the period of employment entered by the borrower.

The PSLF **Help Tool** can be accessed at StudentAid.gov/pslf. This Help Tool permits a borrower the ability to search the **PSLF Employer Database** to generate this form for eligible employers in the database. The Help Tool also allows a borrower to request the **Authorized Official** to sign this form electronically. By signing electronically, this form can be submitted for review without the need to print it out or obtaining an **acceptable signature**.

The **Federal Employer Identification Number (FEIN/EIN)** is a number issued by the IRS to an employer and is generally provided to the employee in box b of the employee's IRS Form W-2. This should not be confused with a similar State ID number that is found in box 15 of the W-2.

A **Professional Employer Organization (PEO)** is an organization that provides administrative services, such as payroll and benefits, for another organization under a contractual agreement. PEOs are co-employers of an employee, but for PSLF purposes, the employee is considered a direct employee of the non-PEO employer. A borrower whose employer uses a PEO, will need to obtain the non-PEO employer's FEIN/EIN because the FEIN/EIN that appears on their W-2 is that of the PEO. A PEO is not the same as a staffing agency which instead is the sole employer of an individual who performs their work for a different organization.

Definitions Specific to this Form (Continued)

A **direct employee** is an employee that is hired by and receives a W-2 to document their compensation from their employer or from a PEO contracted by the employer. An employee that is self-employed or receives an IRS Form 1099 is not considered a direct employee.

An **Authorized Official** is an individual who by the authority of an employer has access to the borrower's employment or service records and is authorized by the employer to certify the employment status of the organization's employees or former employees, or the service of AmeriCorps or Peace Corps volunteers.

The **employment period** is the time between the employment or certification begin date and the employment or certification end date provided on the form or, if the borrower indicates they are still employed, the time between the employment or certification begin date and the date the Authorized Official certifies the form. Borrowers are encouraged to certify their employment annually or when they change employers or employment status.

Employment status is the determination of whether the borrower is Full-Time or Part-Time during the employment period on the form. A separate form must be submitted when there is a change in employment status with the same employer. A borrower with multiple simultaneous qualifying Part-Time employers during the same period can be considered to meet Full-Time employment if the Part-Time hours at each employer total 30 or more hours.

Full-Time employment, for PSLF purposes, means working 30 or more hours per week on average for the employment period on the form regardless of whether the employer considers that Full-Time for other purposes. Working less than 30 hours per week on average is considered Part-Time. When determining if a borrower is Full-Time, an employer must include all hours, including vacation, leave time, or any leave taken under the Family Medical Leave Act of 1993. However, do not include time spent performing volunteer services.

SECTION 7: DEFINITIONS (CONTINUED)

Definitions Specific to this Form (Continued)

If a borrower is employed on a contractual basis where they provide an average of 30 hours of work per week for a minimum of 8 months in a 12 month period, such as in an educational setting, but they continue to be considered employed for the full year, they should be considered Full-Time for the full 12 months.

If the borrower performs non-tenure track employment, such as an adjunct or non-tenure track faculty member, the employer can calculate the weekly average hours for determining Full-Time status by using a formula that multiplies the contact hours per week by at least 3.35 hours.

A **contracted organization** is a separately organized employer that through a written agreement with a qualifying employer performs services for the **qualifying employer**. The direct employees of the contracted organization are not direct employees of the qualifying employer. However, if the direct employees of the contracted organization are in positions or providing services that, under State law, cannot be filled or provided by a direct employee of a qualifying employer, the Authorized Official of the qualifying employer can certify their employment as if those employees were direct employees of the qualifying employer.

An **acceptable signature** for this form includes:

- a handwritten signature in dark ink,
- a hand drawn electronic signature made using a mouse or finger on a digital device, or
- a digitized image of a handwritten signature that has been embedded on the signature line of this form.

Other forms of signatures including, certificate-based signatures and typed names, even if using a font that mimics cursive text, are NOT acceptable signatures for this form.

General Definitions Related to PSLF and Student Loans

Note: Additional PSLF and TEPSLF specific terms are defined in-context in Section 9.

A loan enters **default** when a borrower's payment is delinquent more than 270 days. A loan in default is not eligible for PSLF and payments made while in default are not eligible payments for PSLF. A borrower can resolve a defaulted loan by contacting their servicer.

A **deferment** is a period during which you are allowed to postpone making payments temporarily, on the basis of meeting the eligibility requirements for the deferment.

Eligible Loans are loans made under the William D. Ford Federal Direct Loan (Direct Loan) Program that are not in default.

An **eligible payment** is a payment that is made in full for a month that you are repaying your loan under an eligible repayment plan or is the equivalent of an eligible payment attributed to a month in which you are in repayment.

A **forbearance** is a period during which you are allowed to postpone making payments temporarily, allowed an extension of time for making payments, or temporarily allowed to make smaller payments than scheduled.

An **Income Driven Repayment (IDR) plan** is a repayment plan that bases your monthly payment on your annual income and family size. These plans are qualifying repayment plans for PSLF and are, generally, the only plans that would have a remaining loan balance after you have made 120 qualifying payments. You must recertify your income annually to remain on an IDR plan.

A **qualifying employer** is a U. S. based governmental organization, an organization under Section 501(c)(3) of the Internal Revenue Code that is exempt from taxation under section 501(a) of the Internal Revenue Code, or a non-profit organization that dedicates a majority of its full-time equivalent employees to providing certain non-governmental public services. Serving in an AmeriCorps or Peace Corps position is also qualifying employment.

A **qualifying payment** is recorded when an eligible payment (or equivalent) is matched to a month of eligible full-time employment with a qualifying employer.

SECTION 8: WHERE TO SEND THIS FORM

Return the completed form and any documentation to:

Mail to: U.S. Department of Education, MOHELA,
633 Spirit Drive
Chesterfield, MO 63005-1243

Fax to: 866-222-7060

If MOHELA is already your servicer

Upload to: mohela.com/uploadDocument

If you need help completing this form, call:

Domestic: 855-265-4038

International: 636-532-0600

TTY: dial 711, then enter 855-265-4038

Website: mohela.com

SECTION 9: IMPORTANT INFORMATION ABOUT PSLF AND TEPSLF

Terms in **Bold** are defined in Section 7.

The Public Service Loan Forgiveness (PSLF) program was created by Congress in October 2007, to encourage employment in the public service sector. A borrower qualifies for forgiveness of any remaining principal and interest on their **eligible loans** once they have made the equivalent of 120 **qualifying payments** after October 1, 2007, while employed **full-time** with a **qualifying employer**. Congress authorized a Temporary Expansion of the PSLF program (TEPSLF) in March 2018, that allowed borrowers that were otherwise eligible for PSLF to become eligible if the only reason they did not qualify for PSLF was because some or all of their payments were made under an ineligible repayment plan. For a more comprehensive overview of these programs, including FAQ's, visit [StudentAid.gov/publicservice](https://studentaid.gov/publicservice).

LOAN ELIGIBILITY

Only Direct Loan Program loans that are not in **default** are eligible for PSLF. Loans you received under the Federal Family Education Loan (FFEL) Program, the Federal Perkins Loan (Perkins Loan) Program, or any other student loan program are not eligible for PSLF.

If you have FFEL Program or Perkins Loan Program loans, you may consolidate them into a Direct Consolidation Loan to take advantage of PSLF. However, payments made on those loans before you consolidated them do not count as eligible PSLF payments. In addition, if you made eligible payments on a Direct Loan and then consolidate it into a Direct Consolidation Loan, the eligible payments you made on the original Direct Loan(s) will be added as eligible payments to the new Direct Consolidation Loan based on a weighted average of the loans that were consolidated.

If you are planning to consolidate your FFEL Program or Perkins Loan Program loans into a Direct Consolidation Loan to take advantage of PSLF and do not have any Direct Loans, do not submit this form until you have consolidated your loans. The online application for Direct Consolidation Loans contains a section that allows you to indicate that you are consolidating your loans for PSLF.

If you plan to consolidate Perkins Loan Program loans, first understand that Perkins Loan Program loans may be cancelled for certain types of public service. If you consolidate a Perkins Loan Program loan, you will no longer be eligible for Perkins cancellation.

The online application is available at [StudentAid.gov/consolidation](https://studentaid.gov/consolidation). If you don't know whether you have Direct Loans, log in to your account on [StudentAid.gov](https://studentaid.gov).

PAYMENT ELIGIBILITY

An eligible payment is one that is made in full for a month that you are repaying your loan under an eligible repayment plan or is the equivalent of an eligible payment attributed to a month in which you are in repayment. Only eligible payments made on or after October 1, 2007, can become a qualifying payment for PSLF or TEPSLF.

PAYMENT ELIGIBILITY (CONTINUED)

A payment is considered made in full if it is received for the full amount due based on your scheduled payment or if you make multiple payments within the payment period that add up to at least the full scheduled amount due. A payment is also considered paid in full if it is any of the eligible payment equivalents described in this section.

Eligible Repayment Plans

Your payments must be made under a qualifying repayment plan. Qualifying repayment plans for PSLF include:

any of the following Income Driven Repayment (IDR) plans:

- Revised Pay As You Earn (REPAYE),
- Pay As You Earn (PAYE),
- Income-Based Repayment (IBR),
- Income-Contingent Repayment (ICR).

Or

The 10-Year Standard Repayment plan, or any other Direct Loan repayment plan (except the Alternative Repayment plan), if those payments are at least equal to the monthly payment amount that would be required under the 10-Year Standard Repayment plan.

Note: The Standard Repayment Plan for Direct Consolidation Loans made on or after July 1, 2006, has repayment periods that range from 10 to 30 years. Monthly payments you make under this plan are eligible payments for PSLF only if the repayment period is 10 years. This repayment plan is always a qualifying repayment plan for TEPSLF (for more information regarding eligible repayment plans for TEPSLF, see below).

SECTION 9: IMPORTANT INFORMATION ABOUT PSLF AND TEPSLF (CONTINUED)

PAYMENT ELIGIBILITY (CONTINUED)

While repayment plans other than an IDR plan may be qualifying repayment plans for PSLF, you must have a remaining balance to forgive when you reach 120 qualifying payments. Otherwise, your loans will be fully repaid within 10 years. You will generally only have a remaining balance if you have been repaying under an IDR plan. To apply for an IDR plan, visit [StudentAid.gov/idr/](https://studentaid.gov/idr/).

Eligible Payment Equivalents

You can receive a payment equivalent by making a payment that exceeds your monthly scheduled payment due so long as it also satisfies a future scheduled payment. This is often referred to as a lump sum payment. The number of payment equivalents depends on the amount received and your scheduled monthly payment due. You cannot receive a payment equivalent beyond your next IDR recertification date or 12 months, whichever is sooner. Any payments in excess of this amount will be applied to principal but will not result in additional eligible payments.

Scheduled payments are those that are made while you are in repayment. They do not include payments made while your loans are in an in-school or grace status, or in a deferment or forbearance status (except those included below).

Receiving one of the following deferments or forbearances at any time during a month is equivalent to an eligible payment:

- Cancer treatment deferment,
- Economic hardship deferment,
- Military service deferment,
- Post-active-duty student deferment,
- AmeriCorps forbearance,
- National Guard Duty forbearance,
- U.S. Department of Defense Student Loan Repayment Program forbearance,
- Administrative forbearance; or
- Mandatory administrative forbearance

EMPLOYMENT ELIGIBILITY

To qualify for PSLF, you must be a **direct employee** of a qualifying employer. A direct employee is someone who is hired and paid by the employer, and who receives an IRS Form W-2 from the employer. You may physically perform your work at a qualifying or non-qualifying organization, as long as you are a direct employee of a qualifying employer.

However, if you are a **direct employee of a contracted organization** that is in a position or providing services that, under applicable State law, cannot be filled or provided by direct employees of the qualifying employer, you can be treated as a direct employee of the qualifying employer where you perform your work.

EMPLOYMENT ELIGIBILITY (CONTINUED)

Qualifying Employer

For PSLF, a qualifying employer is a:

- U. S. based governmental organization (at the federal, state, local, or Tribal level, including the U. S. Armed Forces and National Guard)
- a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code (IRC), or
- a non-profit organization that provides certain non-governmental public services.

Service in an AmeriCorps position approved by the Corporation for National and Community Service under Section 123 of the National and Community Service Act of 1990 (42 U.S.C. 12573) or a full-time assignment in a Peace Corps position under 22 U.S.C. 2504 is also qualifying employment.

A non-profit organization that is not a tax-exempt organization under Section 501(c)(3) of the IRC may be a qualifying organization if a majority of its full-time equivalent employees are engaged in one or more specific non-governmental public services.

These services include:

- Emergency management,
- Civilian service to military personnel,
- Military service,
- Public safety,
- Law enforcement services,
- Public health services,
- Public education,
- Public library services,
- School library and other school-based services,
- Public interest legal services,
- Early childhood education, and
- Public service for individuals with disabilities and the elderly.

Full definitions of each of these non-governmental public services are available at [StudentAid.gov/publicservice](https://studentaid.gov/publicservice).

Non-Qualifying Employer

For PSLF, a qualifying employer cannot be a:

- business organized for profit,
- labor union, or
- partisan political organization.

Additionally, employment as a member of the U.S. Congress is not qualifying employment.

SECTION 9: IMPORTANT INFORMATION ABOUT PSLF AND TEPSLF (CONTINUED)

EMPLOYMENT ELIGIBILITY(CONTINUED)

Full-Time Employment

For PSLF purposes, **full-time** means at least an average of 30 hours per week for the employment period being certified.

All hours for which you are paid should be included in the average hours worked per week, however, time spent performing volunteer work should not be included.

Vacation or leave time provided by the employer or leave taken for a condition that is a qualifying reason for leave under the Family and Medical Leave Act of 1993, 29, U.S.C. 2612(a)(1) and (3) should be included in the average hours worked per week.

If you are a teacher or in another position under contract for at least eight out of 12 months, you meet the full-time standard if you work an average of at least 30 hours per week during the contractual period and receive credit by your employer for a full year's worth of employment.

If you are a non-tenure or adjunct faculty member at an institution of higher education meaning you are paid solely for the credit hours you teach, you meet the definition of full-time if you are employed the equivalent of 30 hours per week as determined by multiplying each credit or contact hour taught per week by at least 3.35.

If you are employed part-time by more than one qualifying employer simultaneously, you may meet the full-time employment requirement if you work a combined average of at least 30 hours per week with your employers.

QUALIFYING PAYMENT

You must accumulate 120 **qualifying payments** to have your eligible loans forgiven through PSLF. These qualifying payments do not need to be consecutive.

An **eligible payment** is considered to become a **qualifying payment** when the month to which the eligible payment is attributed is matched to a month that you have certified full-time employment with a **qualifying employer**.

TEPSLF ELIGIBILITY

To qualify for TEPSLF, you must be ineligible for PSLF *only* because some or all of your payments were not made under a qualifying repayment plan for PSLF and if the payment that you made 12 months prior to reaching 120 qualifying payments for TEPSLF and the 120th qualifying payment were at least as much as you would have paid under the lowest payment available to you on an **IDR plan**.

If you meet these requirements, you will be evaluated for TEPSLF eligibility under the expanded list of qualifying repayment plans for TEPSLF which include the:

- Qualifying repayment plans for PSLF,
- Graduated Repayment Plans,
- Extended Repayment Plans,
- Standard Repayment Plan for Direct Consolidation Loans, and
- Graduated Repayment Plan for Direct Consolidation Loans.

OTHER IMPORTANT INFORMATION

The period of service used to qualify for Teacher Loan Forgiveness or Civil Legal Assistance Attorney Student Loan Repayment programs cannot also count as eligible payments for PSLF.

You have the option to request a **forbearance** on your Direct Loans if you are submitting this form and you believe that you qualify for forgiveness right now because you have made 120 qualifying payments. However, when evaluating whether to choose forbearance, it is important to understand that these periods of forbearance will not count toward PSLF or TEPSLF if it is determined you do not have 120 **qualifying payments** yet. Note: If you do not request a forbearance, any payments made after your 120th qualifying payment will be refunded to you or applied to any other outstanding loans held by the Department.

If you have a month in your payment history that would otherwise count as a qualifying payment, but it is not because you were in a **deferment** or **forbearance** status other than those that are considered an eligible payment equivalent, you can take action to make that month a qualifying payment. To do so you must make a payment of at least as much as what you would have made under an IDR plan that you were eligible for each month that meets the condition.

SECTION 10: IMPORTANT NOTICES

Privacy Act Notice. The Privacy Act of 1974 (5 U.S.C.552a) requires that the following notice be provided to you:

The authorities for collecting the requested information from and about you are §421 et seq., §451 et seq., or §461 of the Higher Education Act of 1965, as amended (20 U.S.C.1071 et seq., 20 U.S.C. 1087a et seq., or 20 U.S.C. 1087aa et seq.) and the authorities for collecting and using your Social Security Number (SSN) are §§428B(f) and 484(a)(4) of the HEA (20 U.S.C. 1078-2(f) and 1091(a)(4)) and 31 U.S.C.7701(b). Participating in the William D. Ford Federal Direct Loan (Direct Loan) Program, Federal Family Education Loan (FFEL) Program, or Federal Perkins Loan (Perkins Loan) Program and giving us your SSN are voluntary, but you must provide the requested information, including your SSN, to participate.

The principal purposes for collecting the information on this form, including your SSN, are to verify your identity, to determine your eligibility to receive a loan or a benefit on a loan (such as a deferment, forbearance, discharge, or forgiveness) under the Direct Loan, FFEL, or Federal Perkins Loan Programs, to permit the servicing of your loans, and, if it becomes necessary, to locate you and to collect and report on your loans if your loans become delinquent or default. We also use your SSN as an account identifier and to permit you to access your account information electronically.

The information in your file may be disclosed, on a case-by-case basis or under a computer matching program, to third parties as authorized under routine uses in the appropriate systems of records notices. The routine uses of this information include, but are not limited to, its disclosure to federal, state, or local agencies, to private parties such as relatives, present and former employers, business and personal associates, to consumer reporting agencies, to financial and educational institutions, and to guaranty agencies in order to verify your identity, to determine your eligibility to receive a loan or a benefit on a loan, to permit the servicing or collection of your loans, to enforce the terms of the loans, to investigate possible fraud and to verify compliance with federal student financial aid program regulations, or to locate you if you become delinquent in your loan payments or if you default. To provide default rate calculations, disclosures may be made to guaranty agencies, to financial and educational institutions, or to state agencies. To provide financial aid history information, disclosures may be made to educational institutions. To assist program administrators with tracking refunds and cancellations, disclosures may be made to guaranty agencies, to financial and educational institutions, or to federal or state agencies. To provide a standardized method for educational institutions to efficiently submit student enrollment statuses, disclosures may be made to guaranty agencies or to financial and educational institutions.

To counsel you in repayment efforts, disclosures may be made to guaranty agencies, to financial and educational institutions, or to federal, state, or local agencies.

In the event of litigation, we may send records to the Department of Justice, a court, adjudicative body, counsel, party, or witness if the disclosure is relevant and necessary to the litigation. If this information, either alone or with other information, indicates a potential violation of law, we may send it to the appropriate authority for action. We may send information to members of Congress if you ask them to help you with federal student aid questions. In circumstances involving employment complaints, grievances, or disciplinary actions, we may disclose relevant records to adjudicate or investigate the issues. If provided for by a collective bargaining agreement, we may disclose records to a labor organization recognized under 5 U.S.C. Chapter 71. Disclosures may be made to our contractors for the purpose of performing any programmatic function that requires disclosure of records. Before making any such disclosure, we will require the contractor to maintain Privacy Act safeguards. Disclosures may also be made to qualified researchers under Privacy Act safeguards.

Paperwork Reduction Notice. According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1845-0110. Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain a benefit (34 CFR 685.219). If you have comments or concerns regarding the status of your individual submission of this form, please contact your loan holder directly (see Section 8).